

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OR AMERICA

v.

CHARLES SANDERS

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CR. NO. 2:07cr230-TFM

MOTION FOR LEAVE TO FILE OUT OF TIME

GOVERNMENT PROPOSED JURY INSTRUCTIONS

COMES NOW the United States of America by and through its Attorney for the Middle District of Alabama and moves the Court for leave to file one business day out of time Government's proposed jury instructions.

On 9 November 2007 this Court set the above captioned case for jury trial on 14 January 2008. In the Arraignment Order, the proposed jury instructions were due by 7 January 2008, 7 days prior to trial. On 3 January 2008, this Court ordered that the trial be continued and set the trial date for 10 March 2008. Based on this Court's previous order, I believe the proposed jury instructions were due 4 March 2008. The Government's proposed jury instruction contains the elements of the offense. In this case, the charges are violation of Alabama Statute Section 13A-9.13.1, Negotiating a Worthless Negotiable Instrument. Since the Government is alleging violation of a State Statute, I contacted the Mr. Kent Brunson, Assistant U.S. Attorney, Supreme Court Law Librarian, the Montgomery County District Attorney, and Ft. Rucker Magistrate Court Clerk to find sample or model jury instructions. After exhausting all known resources, I was unable to find a sample or model instruction. I drafted the attached proposed jury instruction based on the statute sections and definition sections. Government Counsel apologizes for any inconvenience this delay may have caused the Court and defense counsel.

Respectfully submitted this the 5th day of March, 2008

Respectfully submitted,

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

/sChristopher James
CHRISTOPHER JAMES
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50 LeMay Plaza South
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(334) 953-2786

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2008, I electronically filed the foregoing Requested Jury Instructions with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

/sChristopher James
CHRISTOPHER JAMES
Special Assistant United States Attorney
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ORDER

Upon consideration of the Motion for Leave to File Out of Time Jury Instructions heretofore filed in the above styled cause, and for good cause shown, the Court is of the opinion that the motion should be and the same hereby granted. It is, therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that said motion be and the same is hereby granted.

Done this ____ day of March, 2008.

UNITED STATES MAGISTRATE JUDGE